

PLANNING BOARD MEETING

May 4, 2020

Zoom Webinar Meeting

MEMBERS PRESENT

GEORGE FOX, CHAIRMAN
SCOTT FIRMIN, VICE CHAIRMAN
JAMES ANDERSON
MOLLY BUTLER-BAILEY
SUSAN DURST
VINCENT GRASSI
THOMAS HUGHES

STAFF PRESENT

THOMAS POIRIER, DIRECTOR OF
COMMUNITY DEVELOPMENT
CAROLYN EYERMAN, TOWN PLANNER
BARBARA SKINNER, CLERK OF THE BOARD

George Fox, Chairman, called the zoom Webinar meeting to order at 7:00 p.m., saying that it is the Board's first meeting on this electronic platform and he hoped it can proceed with as few kinks as possible. The Clerk of the Board called the roll, noting that all members were present.

APPROVAL OF THE MARCH 2, 2020 MEETING MINUTES

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to approve the minutes of the March 2, 2020 meeting minutes as written and distributed. Motion CARRIED, 5 ayes (Susan Durst and Thomas Hughes abstaining as not having been members of the Planning Board at the time of the meeting).

CHAIRMAN'S REPORT

Mr. Fox welcomed new Board members Susan Durst and Thomas Hughes, noting that Mr. Hughes is returning as someone who has served in the past as a Planning Board member.

COMMITTEE REPORTS

- A. Ordinance Review Committee - Mr. Grassi reported that this committee has not met since the Board's last meeting.
 - B. Comprehensive Plan Implementation Review Committee - Ms. Butler-Bailey reported that this Committee met this evening via Webinar to discuss the proposed amendment to the Roadside Commercial zoning district. She said there will be another workshop, and the Committee hopes to have something to present to the Board for public hearing at the June meeting.
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ADMINISTRATIVE REVIEW REPORT

Ms. Eyerman reported on the following Administrative Review projects:

1. McCarver – 108 State Street – a 4-unit residential unit replacing an existing building – approved, with construction to begin shortly
 2. Plowman Development Group – after-the-fact approval to reclaim portion of a gravel pit – awaiting resubmission of applicant's plan
 3. Town of Gorham – West Gorham Fire Station addition of under 1,000 square feet - approved, with construction to begin when possible
 4. Town of Gorham – Public Works addition of under 1,000 square feet – approved, with construction to begin when possible
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ITEM 1 Final Subdivision/Site Plan Review – Kasprzak Landholdings, Inc. – Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll – a request for approval for 60 duplex condominium units, Contract Zone, Urban Residential and Shoreland Overlay zoning districts, Map 46/L11.004.

Ms. Eyerman said that this application is on for approval of final phases 4 to 6 of the subdivision/site plan. The application is for 60 duplex condominium units in the Contract and Urban Residential zoning districts, with some Shoreland Overlay zoning areas as well. Ms. Eyerman asked Mr. Poirier to provide the background for the project up to its receiving preliminary approval on March 4, 2019.

Mr. Poirier advised the Board that the application received preliminary approval in March of last year. Any new Board member who wasn't on the Board for the preliminary review can review the final application. Mr. Poirier noted that some comments have been received from abutters regarding the projects; the comments will be read into the record as part of the review. Mr. Poirier said that he has had conversations with Bob Georgitis of Kasprzak regarding trail access and a solution on how to remedy an easement without actually giving metes and bounds, which will be done as part of a future plan. In addition, the applicant has had discussions with the Public Works Director to address the problem that could be associated with having perpendicular or head-in parking stalls in a proposed Town right-of-way, decreasing the likelihood of public road acceptance. Mr. Poirier said he does not believe that the applicant has its DEP permit yet.

Mr. Fox commented that in a regular meeting at the Municipal Center, abutters would speak first after the applicant's presentation, but in this method of dealing with meetings on line, the Board will hear the applicant's presentation, the Board will be asked to comment, and after that the public will be asked for input.

Owens McCullough, Sebago Technics, representing the applicant, asked that Bob Georgitis be given permission to speak on the application.

Bob Georgitis, vice president, Kasprzak Homes, Inc., advised the Board that DEP has not yet finished writing the permit but he anticipates no problems with it. He said there are to be 60 duplex units in 3 phases, and the most often expressed abutter comments deal with installing a gate or speed bumps to separate the new development from the old. He said they agree with the Town's

position that the whole interconnection of streets make sense and that has been done since the project's beginning in 2005. Mr. Georgitis said that the parking along Falcon Crest Drive was designed to meet Town standards for future acceptance, and they were not aware that was going to be an issue. He said he did talk to Steve Kasprzak and they are willing to eliminate that parking, eliminating the issue. Mr. Georgitis said the project will have underground public sewer and public water, natural gas, 3 stormwater ponds, and open space. He said they are willing to give the Town a blanket easement to be able to create a trail system on the open space parcel so long as the Town takes ownership and responsibility for maintaining and permitting that trail. He said the plan will be tweaked to address staff comments, and the plan will also have to be changed to remove the head-in parking spaces.

Mr. Fox asked Mr. Georgitis asked if the perpendicular parking once removed will be replaced with parking elsewhere. Mr. Georgitis replied that there are only 8 spaces involved, and the design layout maximizes the number of duplexes having two car garages, and those units on the plans that show two driveways have the ability to have 4 parking spaces: two in the garage and two in front and sometimes even more. He said that overflow parking was really for guests and there are overflow spaces along Rockwood Lane and Windswept Drive. He said they could add a couple of spaces to Rockwood Lane and along Windswept if the Board wants them to do that, but he doesn't see the need.

Mr. Anderson asked what has changed since the granting of preliminary approval in 2019 and if it is simply a matter of waiting for DEP approval. Mr. Georgitis said that is correct, that they did not want to submit to DEP until they had preliminary approval from the Town. Mr. Anderson asked Ms. Eyerman if there are any outstanding issues; Ms. Eyerman called the Board's attention to the comments by the Public Works Director that head-in parking could present a challenge to the acceptance by the Town of the road. Ms. Eyerman also commented that the Portland Water District is tightening its final approvals as close as possible to municipalities' final approvals. Mr. Poirier noted that most of staff's comments are minor in nature, pointing out that head-in parking is not allowed on public roads.

Mr. Anderson asked who makes the determination about whether a speed bump or table is necessary, noting he does not believe the Public Works Director is in favor of them. Mr. Anderson asked if it is up to the applicant to determine whether or not to install the requested speed bumps. Mr. Poirier said the Board has asked for speed bumps when they have determined that safety requires them, such as the development on Railroad Avenue impacting traffic cutting through on Robie Street to avoid stopping at a signal and possibly impacting the safety of children walking to the elementary school. He said the Board needs to analyze this development to determine if cut through traffic is an issue. He reminded the Board that "cut through traffic" refers to a driver taking a shortcut through a development, such as someone from Windham driving to Portland going through a development to avoid a signal. It does not apply to people living in a development using that development's streets.

PUBLIC COMMENT PERIOD OPENED:

Judy Weisman, 30 Ridgefield Drive, said she believes that the trail network is going to be taken over by this development and asked what will happen to their access to the trail system. Mr. Georgitis called Ms. Weisman's attention to the proposed trail locations noted on the plans.

Mr. Poirier said that comments need to be addressed to the Planning Board and the Board will answer them afterwards. Mr. Fox said that once all comments have been made, the Board and the applicant will respond.

Susan Sedenka, 3 Kingfisher Court, President of the Ridgefield Condominium Association, asked for speed bumps to control the use of their private road to mitigate cut-through traffic. She said that there was an agreement that construction traffic would not use Ridgefield Drive but would access from Falcon Crest.

Nadia Margolis, 30 Ridgefield, expressed his concern about the huge impact and stress that will be caused by the proposed infrastructure on nature.

Ms. Eyerman read the following email communication into the record:

“Thurs. April 3

Dear Gorham Planning Board:

We live in the Woods Edge Condos on Summerfield Ct., which is a short loop off Falcon Crest Drive. We are concerned with the number and the speed of vehicles entering and exiting the proposed new phases of the Pheasant Knoll condominiums: Stonefield, Windswept and Winding Ridge.

Falcon Crest Drive frequently has children and adults walking and riding bicycles as well as traffic entering and exiting from Summerfield Ct and Woods Edge Drive.

We would like the builder to add ‘speed tables’ to Falcon Crest Drive including the existing piece that has already been built that extends to Peregrine Drive. The tables should meet the town’s requirement for size and distance apart so that the town is able to take over maintenance of the road in the future.

We have seen speed tables on public ways in the Portland area and they seem to be an effective measure to reduce vehicular speed to safer levels and remain plowable in winter conditions.

Sincerely,

Ann McNelly and Frederick Meslow

7 Summerfield Ct”

PUBLIC COMMENT PERIOD ENDED.

At Mr. Fox’s request, Mr. Georgitis addressed the abutter comments dealing with traffic. Mr. Georgitis said that regarding Ridgefield Road, they changed their plans which would have had Ridgefield Drive connect directly to Falcon Crest, and instead it was changed so that there would be two right angle turns on Rockwood Lane Extension, making it more time consuming to get to Falcon Crest and exiting on to Route 114. He said he believes that the stop signs installed with the two turns will have a traffic calming effect. Mr. Georgitis said they are not in favor of speed tables on a public street, but they might ask the Town to take Falcon Crest Drive and Peregrine Drive and turn that into a 3-way stop. He said they could also put stop signs at the Rockwood, Windswept and Falcon Crest intersection; while that was not proposed originally it could be added to the plan.

Mr. Fox asked if Board members feel that Mr. Georgitis's suggested stop signs are a satisfactory resolution to address abutters' concerns. Mr. Anderson said he believes that a 4-way stop sign would help slow traffic. Mr. Georgitis noted that there is a grade difference on Falcon Crest and it would be better to have a stop sign as people are going down the hill and believes a 3-way stop would be more useful.

Mr. Firmin asked if that is something that could be peer reviewed. Mr. Poirier said it would be helpful to the Board if Mr. McCullough could speak to the issue.

Mr. McCullough said that projects of this demographic of 55 and over are fairly low traffic generators in the number of trips per day. The roads in the project have been designed to avoid long linear roads, with the roads having a number of driveways cut into them. That together tends to keep people moving more slowly. He said that the traffic generated within this development is from people who live there and it is not cut through traffic.

Mr. Georgitis said he agreed with Mr. McCullough's comments and discussed other similarly sized developments where traffic trips average 5 trips a day. He said that neither the volume nor the speed will occur that some people are concerned about.

Mr. Fox asked about trail connections. Mr. Poirier replied that there will be two trail connections, one to the Tannery Brook preserve and one to the south that will connect somewhere toward the Village, making a looped trail. There will also be two trail parking locations.

Mr. Fox spoke about the missing information in the staff notes about the size of the wetland impacts, Section K., Natural Features. Mr. Georgitis replied that the actual square footage amount is 1,832 square feet. He said they have received their Army Corps of Engineers permit for that amount, it is shown on the plans already and it is part of the NRPA permits for that same square footage. Mr. Fox confirmed that the applicant still does not have the DEP permit.

Mr. Georgitis told Mr. Fox that they have no problems with the conditions of approval.

Ms. Eyerman said that there is missing information under Section C., Access into the Site, dealing with road standards. Mr. Georgitis suggested the following wording to address the issues: "Access to Stonefield, Windswept and Winding Ridge Condominiums is via Falcon Crest Drive, which has been designed under the Town's Urban Sub-collector road standard. The other access drives have been designed to meet or exceed the Town's private way standards." He said he believes that he, Ms. Eyerman and Mr. Poirier can further fine tune the wording if necessary. Mr. Poirier said he agrees with Mr. Georgitis; however, because it is not qualified in the Town's ordinance as a specific standard, he would like something from a traffic engineer stating that the base and pavement material is adequate to meet the traffic volume identified as part of the development.

Mr. Fox said that this item could potentially go on a consent agenda, pending receipt of the DEP permit. Ms. Eyerman said she believes that she believes the item can go on a consent agenda, assuming that the DEP permit is received. In reply to Mr. Fox, Mr. Georgitis said he hopes to receive the permit in the next week or two.

Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to place the item on the next Consent Agenda. Motion CARRIED, 6 ayes (Thomas Hughes abstaining).

ITEM 2 Preliminary Subdivision Review – Gregory McCormack – Maplewood Drive Subdivision and Deerfield Drive Private Way – a request for approval to subdivide 6 lots from 3 existing lots, on 5.08 acres off 71 Maplewood Drive, zoned UR, Map 104, Lots 10-3, 23 and 30.

Ms. Eyerman explained the proposal and said the project is proposed to be marketed to the 55 and over demographic. Lots 1 and 2 are sized large enough to be for duplexes if the developer chooses to go that route. The Board should discuss the questions of sidewalks and sanitary sewer with the applicant. She said there are wetlands on the property, and the Board should ask the applicant about the impact of the development on trees and other natural features on the site since no landscape plan has been submitted.

Andrew Morrell, BH2M Engineers, told the Board that the location for the project is at the end of Maplewood Drive off South Street. This was approved as a 2 to 6 lot private way back in 2016. The applicant's intent at that time was to develop a lot every 5 years, therefore subdivision was not required. Since that time, the applicant has changed his mind and would like to move forward with a subdivision and sell off all 6 lots. The applicant does not intend to amend the previously approved private way known as Deerfield Drive. Mr. Morrell said the applicant is requesting a waiver for the requirement of a high intensity soils survey and the other on nitrate analysis. Some changes have been made to plans since the original submission, based on comments from the Portland Water District for the extension of the water main from Maplewood. He said he hopes to have an ability-to-serve letter from the Water District later this week.

Mr. Morrell referred to staff comments dealing with sidewalks, saying that if the applicant can prove that the extension of the sidewalk is greater than \$5,000 per lot, the applicant is required to extend the sidewalk 100 linear feet per lot. Ultimately for the 6 lots in this proposed subdivision, that would be an extension of 600 feet. Estimates of the costs to extend sidewalks along Maplewood Avenue from South Street were provided to the Public Works Director, who reviewed them and recommended to Planning that he found the estimates to be acceptable. The cost to extend the sidewalk would be significantly higher than \$5,000 per lot. Therefore the applicant is required to extend the sidewalk 600 feet along Maplewood Drive from South Street. The applicant is intending to do that as part of this project, but would prefer to pay a fee to the Town for that sidewalk instead of constructing it as part of this project.

Mr. Morrell then discussed staff comments about the wetlands on the site as delineated by Mark Hampton Associates. As part of the Deerfield Drive private way approval, no wetlands were impacted, and they are not expecting to impact any wetlands as part of this subdivision. The applicant does intend to sell the lots and not necessarily develop them once the project is approved. Mr. Morrell said that the layouts shown on the plans are conceptual and show that these lots can in fact be developed without impacting the wetlands. Serious erosion control techniques have been shown on the private way plan originally approved in 2016, this can be added to the subdivision plan if the Board wants that done. The applicant is not seeking a density bonus for public sewer and water.

Mr. Morrell continued with a discussion about staff's comments for a landscape plan, saying that 2 street trees are proposed per lot, as required in the ordinance. The applicant intends to save as many existing trees as possible, all of the trees in the wetlands will be preserved and as many trees between the houses as possible will be preserved.

Mr. Morrell referred to staff comments about public sewer, saying that he and the applicant have met on several occasions with the Portland Water District to talk about sewer. He said that sewer to this project is difficult in that the existing gravity sewer in Maplewood Drive going out to South Street is approximately 750 feet from this proposed project. That system has very limited cover and was never extended further down Maplewood Drive because it was too shallow. That system cannot be extended further via gravity. The Water District and Mr. Morrell's office have reviewed the situation and it was agreed that a gravity extension of that line is not possible. That leaves two options for sewer for this project: one is a pump station, which is obviously not an economical solution for this lot. The other option is a pressure sewer system which is not necessarily allowed by the Water District. The applicant's preferred approach is subsurface waste water disposal systems. Mr. Morrell said the test pits shown on the plans are 20 by 40 in size, but technically by Hampton Associates' designs it could be 20 by 20, which is how they will be shown going forward. Based on his understanding of the ordinance, Mr. Morrell said that as the existing sewer is greater than 500 feet from the project, he does not believe that the extension of public sewer is required. Mr. Morrell said that the Board can decide whether undue hardship conditions exist to make the connection impossible, and said that subsurface waste water disposal is the only feasible solution for this project.

Mr. Morrell commented that Deerfield Drive was approved with vegetated ditches collecting storm water on both sides of the road, directing the runoff down to another ditch on the south side of lot 5, and then to a level spreader into the wetlands.

Mr. Poirier provided the Board with background on the sewer question, saying the same developer for the Bramblewood Subdivision, used gravity sewer as far as he could and then he was permitted to use low pressure sewer for the 4 units as in-fill development. Mr. Poirier said that Planning staff has had discussions with the Water District and because this is limited development and it is understood that a pump station would not be economically viable for it, the District would consider allowing this developer to do what he did with Bramblewood and to install low pressure sewer system. Mr. Poirier said a comparison to establish hardship should be between a low pressure sewer system and a septic system. He said that the low pressure sewer system would have to meet the requirements of the Water District, similar to Bramblewood Lane's system. In reply to Mr. Morrell, Mr. Poirier said the sewer in the private way would be private, and the line up Maplewood would probably be similar to Bramblewood, with 2 low pressure lines in the actual road right-of-way that was public, with the Water District maintaining that.

Mr. Fox asked how hardship is determined. Ms. Eyerman said it can either be financial or some sort of obstruction. Mr. Poirier said that other than cost, if the Water District says it doesn't meet with standards and they would not approve it, that would probably trip hardship. Mr. Fox said the Board then would ask the applicant's engineer to provide it with a financial comparison between a low pressure sewer system and septic system.

Greg McCormack, applicant, told the Board that his plan is to preserve the open space with this small-scale development. He said he does not like pump stations, they are prone to failure, and he prefers septic systems because they do not require the maintenance that a pump station does. He believes that public sewer would be both a financial and a maintenance hardship. He said he will provide a stub for the Portland Water District.

Mr. Fox confirmed with Ms. Eyerman that the Board will make the hardship determination based on the comparison data provided by the applicant for low pressure sewer and septic systems.

Mr. Firmin advised the Board that while he does work for the Portland Water District, he has not had nor will he have any involvement with this project and feels that he can participate in the discussions on the application and does not see a need to recuse himself.

James Anderson MOVED and Vincent Grassi SECONDED a motion to allow Mr. Firmin to participate in the review of the application. Motion CARRIED, 6 ayes, 1 nay (Mr. Firmin)

Mr. Fox confirmed that the applicant is prepared to make a payment for 600 feet of sidewalk instead of the 950 feet which would be required to go all the way to South Street. Mr. Fox asked if the applicant can reduce the required amount of sidewalk. Mr. Poirier replied, saying that in the Urban Residential district there used to be a requirement to make a connection to existing sidewalk network. However, a waiver provision was added which Mr. Morrell discussed with the Public Works Director that if the applicant can prove that the extension of the sidewalk is greater than \$5,000 per lot, the applicant is required to extend the sidewalk 100 linear feet per lot. Mr. Poirier said he will discuss with the Public Works Director whether the Town would be interested in collecting funds for the sidewalk, as well as closing the drainage in. Mr. Poirier reminded Mr. Morrell that there is a requirement for sidewalks to be on the private way, so even though there is a waiver for the whole length, in the development there will have to be a small section of sidewalk on the private way.

Mr. Fox asked Mr. Morrell what will be done to guarantee that the wetlands are not disturbed if the applicant is not proposing to develop the lots. Mr. Morrell said if the Board's concern is the future filling of the wetlands by the home owners, some metal pins as required by the DEP can be placed along the edge of the wetlands with caps that read "no disturb buffer" or "wetlands" or similar language to call out the wetland area. Mr. Morrell said the area of concern on this site is the eastern end of the site, the back of lots 1 through 5. Mr. Fox said that identifying the wetlands on the ground and on the plans is the best approach to inform future land owners.

Mr. Anderson asked if current home owners need to provide rights-of-ways for the sidewalk or is that included in the width of the Town road. Mr. Poirier replied that Mr. Morrell will have to provide a plan showing the sidewalk location of 600 feet on the plans, as well as any drainage improvements. Then the discussion can be had about who is going to build the sidewalks, whether it is Public Works or the applicant. Mr. Poirier said the sidewalks will be within the street right-of-way.

Mr. McCormack said he does intend to build homes on the lots, that he is opposed to sidewalks and does not believe that they are necessary.

Ms. Durst confirmed with M. Morrell that lots 1 and 2, large enough to accommodate duplexes, would fit within the non-wetland building envelope, along with septic systems required.

In reply to Mr. Anderson, Mr. Morrell said that the septic systems designs for lots 1 through 5 have been pushed to the front of the lots. Mr. Morrell said the soils are deep enough he would not expect them to be mounded systems. Mr. Morrell told Mr. Anderson that the stormwater analysis is based

on soils conditions which have not changed since 2015 when the private way was approved, but that may have to be modified with the addition of the 6 lots being proposed.

Mr. Hughes asked if the funds from not building the sidewalk could be applied to the cost of the sewer. Mr. Poirier said that the Board does not have the authority to waive that requirement, while the Council granted a waiver, it did not grant the removal of the 100 foot sidewalk minimum per lot.

PUBLIC COMMENT PERIOD OPENED: Karen Duncan, 58 Maplewood Drive, asked if the neighborhood would be safer with sidewalks, and asked if they can tap into a public sewer system.
PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell said he believes that if a public sewer system were to be extended into this project, other residents along Maplewood Drive could tie into as well provided the existing system has capacity.

The Board discussed the applicant's desire for a waiver for the requirement of a high intensity soils survey and for a nitrate analysis. A consensus was reached that a vote on the waiver requests will be postponed until a decision has been reached about septic systems or low pressure sewer systems.

A poll of the Board indicated that preliminary approval is not warranted this evening, based on the remaining issues to be resolved.

James Anderson MOVED and Molly Butler –Bailey SECONDED a motion to postpone further review of Greg McCormack's Maplewood Drive Subdivision and Deerfield Drive private way pending responses to remaining issues. Motion CARRIED, 7 ayes.

ITEM 3 Site Plan Amendment – Town of Gorham – Narragansett School Addition – a request for approval for a 1,908 square foot kitchen addition at the Narragansett School, an extension of the Modular project approved August 5, 2019, zoned OR/UR, Map 26, Lot 4.

Ms. Eyerman described the proposal to the Board of a 1,908 kitchen addition to the Narragansett School as an extension of the Modular project approved in 2019.

Owens McCullough, Sebago Technics, told the Board that Norman Justice, the School Department's facility manager, is also available to answer questions. Mr. McCullough said that the Board granted approval last year for a modular project at the Narragansett School due to capacity issues. At that time, approval was granted for modular classrooms, a cafeteria with no food services and a connector hallway that moved the students from inside the current building to the modulares. That project has since been constructed, has not been occupied yet but will be in the fall. Also as part of that approval, the fire department asked that an access road be constructed around the easterly side of the school to provide for emergency vehicular access to the back of the building, to provides access to the back activities of the School, and it will be used for deliveries to the back of the mechanical building.

Since the construction, Mr. McCullough said the School Department has determined that based on projections of students they need to expand and modernize the kitchen. To accommodate that an

additional is proposed to the front of the cafeteria, 36 feet 6 inches by 53 feet. That will be a conventionally framed building on a foundation slab, the finishes will be similar to the cafeteria of vinyl siding and sloped roof. With covid 19 and children not in school, the School Department would like to take advantage of the opportunity to construct this facility this summer, to be occupied this fall. Mr. McCullough said that access to the cafeteria and the modulars is all from within the Narragansett School. The students do not go outside the building, they go through an enclosed connector that has already been constructed. This approval is simply for the kitchen addition, and if the Board grants approval, construction will begin almost immediately. Mr. McCullough said there are no issues with the conditions of approval.

Mr. Justice said he has no further comments and is available to answer Board questions.

Mr. Fox confirmed that all of the changes are located in the foot print of the addition, there are no traffic pattern changes proposed, no pedestrian traffic changes, no egress to the main part of the school or the modular classrooms, it is strictly self-contained within the additional space. Mr. Fox also confirmed that lighting will be the same, hours of operation will be the same as the rest of the School, and there will be no additional equipment to cause noise nuisance for any butters. Mr. McCullough said there are parking spaces currently existing for kitchen workers. Mr. Grassi asked about mechanical ventilators being roof mounted; Mr. Justice replied that the hood exhaust system will be similar to the current one. Mr. Fox confirmed that no sidewalk improvements are anticipated.

Mr. Anderson asked about construction bidding; Mr. Justice replied that the school board has already acted on approving a change order with the contractor already working on the cafeteria, subject to the Board's approval.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. McCullough said they have no issues with the conditions of approval.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant the Town of Gorham's request for special exception approval for a kitchen addition at Narragansett School, 270 Main Street, Map 26, Lot 4, Urban Residential and Office Residential zoning district, with Findings of Fact as written by the Town Planner. Motion CARRIED, 7 ayes.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant the Town of Gorham's request for site plan amendment approval for a kitchen addition at Narragansett School, 270 Main Street, Map 26, Lot 4, Urban Residential and Office Residential zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner.

Mr. Poirier advised the Board that it was already 9:40 p.m. and three items still remain on the Board's agenda, with Item 4 looking to be lengthy. He suggested that in light of the Board's 10:00 o'clock rule, it might be better to discuss Items 5 and 6 and postpone Item 4 to the second meeting of the month, which is scheduled for May 18.

ITEM 4 Site Plan Review – Gorham Solar, LLC – a request for approval of a PV Solar Ground-based Array with associated equipment, gravel access and perimeter fence, located south of 412 Fort Hill Road, Map 64, Lot 4-1

Mr. Fox outlined the choices before the Board, saying that it is possible that the Board may not get through the conversation on Item 4 tonight and it might be better to postpone it to the meeting of the 18th and finish this evening's meeting with Items 5 and 6.

Christopher Ryan, Meridian Associates, representing the applicant, and Ben Axelman as the applicant, both expressed a desire to be heard this evening. Mr. Fox said, however, that a sitewalk has not been held yet. Mr. Poirier suggested that Georgia Humphrey of Gorham's Cable Access channel could perhaps do a drone sitewalk for the Board.

Mr. Fox opened the Public Hearing on Item 4.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED

After further discussion with Mr. Ryan and Mr. Axelman of Nexamp, Inc., a consensus of the Board was to postpone the item to the Board's meeting on May 18, 2020, after a drone site walk has been performed.

ITEM 5 Subdivision Plan - Innovative Campus at Raceway Drive – Moody's Co-Workers Owned, Inc. – a request for approval of a 3-lot subdivision on Raceway Drive, zoned NMUD, Map 39, Lots 2.1. and 2.2

Mr. Poirier said the applicant is looking to break his existing single lot into 2 additional lots. Currently the existing Raceway Drive is located in an easement and the applicant would now like to locate the road in a 50' right-of-way which splits the existing lot in two. This lot split combined with the split of the lot for Harvey Performance requires subdivision review and approval by the Planning Board because all three lot division would be completed less than 5 years apart. Mr. Poirier said the applicant would like to move forward with the sidewalk extension requirement of the zone at some future phase when the lots get development.

Owens McCullough, Sebago Technics, indicted that the applicant is satisfied with the conditions of approval. Mr. McCullough asked if action is necessary on the waiver requests.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

The Board agreed that with the available public water and sewer available, the waiver of the Class A high intensity soil survey requirement is appropriate. Additionally, because the application is straightforward, allowing preliminary and final approval in one meeting is appropriate as well.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to waive the preliminary submission requirement under Chapter 3, Section 3-3, B. 11) class A high

intensity soil survey to a class B high intensity soil survey due to public water supply being available to serve the lots. Motion CARRIED, 7 ayes.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant Moody's Co-Workers Owned, Inc.'s request for a waiver for the Planning Board's requirements for granting preliminary and final subdivision approvals in one meeting. Motion CARRIED, 7 ayes.

Mr. McCullough said there were no issues with the Conditions of Approval.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant Moody's Co-Workers Owned, Inc.'s request for preliminary and final subdivision plan approval for a 3 lot Innovative Campus at Raceway Drive Subdivision, located on Map 39, Lot 2.002 and 2.001, Narragansett Mixed-Use zoning districts, based on Findings of Fact as written by the Town Planner.

ITEM 6 Private Way Review – Tom Dore – Dore Drive – a request for approval to construct a 970 foot private way to the Town's 2-6 lot private way standard, located off Longfellow Road, zoned R-MH, Map 10, Lot 10.

Ms. Eyerman told the Board that the applicant has taken care of all of staff's comments and has submitted new plans today, adding one note requested by the Town Attorney. Mr. Poirier said in reply to Mr. Anderson that the Board can approve the application this evening, so long as staff can ascertain that the Town Attorney's note has been added before the Board signs the final plans.

In reply to Mr. Fox, Ms. Eyerman said that the Town Attorney has opined that subdivision requirements have not been tripped.

Mr. Morrell told the Board that the applicant Tom Dore and his attorney, Andrew Broadus, were available to answer any questions from the Board. Mr. Morrell said that the Town Attorney had asked that a note be added to the standard boundary survey plan, superseding a previous boundary survey plan. Mr. Morrell said all of the Town's review engineer comments have been met, and suggested that Condition #4 be deleted. He indicated that the applicant has no problems with the rest of the Conditions of Approval. Ms. Eyerman agreed that the engineer's comments have been addressed, and issues remaining to be addressed of adding the Town Attorney's comment to the plans and the road name are items staff will address prior to the Board's signing of the final plans.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant Tom Dore and Catherine Perez's request for approval for Dore Drive, a 970 foot private way designed to the Town's 2-6 lot/dwelling unit private way standard, located on Map 10, Lot 10 and situated in the Rural/Manufactured Housing zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes.

ADJOURNMENT

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to adjourn.
Motion CARRIED, 7 ayes [10:12]**

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2020

SPECIAL EXCEPTION STANDARDS

The Planning Board shall have the power and duty to approve, deny, or approve with conditions special exceptions only as expressly provided in the applicable zoning districts. The applicant shall have the burden of proving that his/her application is in compliance with the following standards. After the submission of a complete application, the Planning Board shall approve a special exception application or approve it with conditions only if it makes a positive finding based on the information presented that the proposed use, with any conditions attached, meets the following standards:

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

The existing access to the Narragansett School for parents and staff is via a 22' wide driveway located off Chick Drive through the existing parking lots located to the west side of the school, with bus traffic utilizing a 24' wide driveway located off Main Street.

Pedestrian access to the Narragansett School is through off-site sidewalks located on both Chick Drive and Main Street. On-site sidewalks include a sidewalk along the bus loop drive, as well as a sidewalk located along the passenger vehicle access driveway located off Chick Drive.

The applicant is proposing to add a crosswalk for the proposed emergency vehicle access driveway off the bus loop. The applicant is proposing to separate the eastern emergency access walkway from the new emergency vehicle access with loam and seed.

Finding: *Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site. The development plan will provide for a system of pedestrian circulation within and to the development.*

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

The applicant is proposing underdrain improvements and grassed ditches which will connect into a new proposed closed drainage system and flow into the site's existing closed drainage system. The stormwater will then be directed into the stormwater wet pond located to the front of the Narragansett School. The stormwater treatment will meet Maine DEP 500 requirements.

The applicant will comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices. The location of the erosion control devices are shown on the Grading and Utility Plan: Sheet 3, with details shown on Erosion Control Notes Plan: Sheet 4, and Details Plan: Sheet 5.

The proposed kitchen addition will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater according to the Maine DEP Chapter 500 standards with discharge into the existing Chick property stormwater infrastructure.

Finding: *The site has adequate provisions for the disposal of all storm water collected on parking areas or other impervious surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties. The project, building, and site designs will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

The applicant is not proposing a use or construction that would produce smoke, dust, or other airborne contaminants long term. Any dust created during construction will be monitored and kept to a minimum.

Finding: *The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.*

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

The use of this site as a school kitchen will not produce and is not proposed to produce additional odors, fumes, glare, vibration or fire hazards. The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.). The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.*

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;

No changes to the site's existing waste disposal are proposed with the amendment.

Finding: *The current waste disposal systems are adequate for all solid and liquid wastes generated by the use.*

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation;

(b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

The school and the kitchen addition are not located near spawning grounds or within a shoreland area.

Finding: *The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat.*

CHAPTER 4, SITE PLAN REVIEW, SECTION 4-9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Amendment Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 4-9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 4-9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant has provided a site plan showing that it will utilize areas of the property that are outside of areas of wetlands, steep slopes, floodplains, unique natural features and natural drainage areas.

Finding: *The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.*

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

No changes are proposed to the vehicular access via Chick Drive and Main Street (State Route 25). Chick Drive was designed and built to the Town's urban sub-collector standards and Main Street is designed to Maine Department of Transportation arterial road standards.

Finding: *Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

No changes are proposed to the existing access to the Narragansett School for parents and staff via a 22' wide driveway located off Chick Drive through the existing parking lots located to the west side of the school, with bus traffic utilizing a 24' wide driveway located off Main Street.

Finding: *Vehicular access into the development will provide for safe and convenient access.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

Access to the parking lots will be via two 24' wide paved driveways. The parking lots allow for vehicles to turn around and drive out of the site without needing to back out on to the public road.

Access to the rear of the school building and the baseball, football, and soccer fields, and trail use is through a 20' wide paved driveway located on the western side of the building. A new access driveway 16' wide with 2' shoulders will be constructed on the eastern side of the building. A gate is installed on the driveway near the entrance from the bus loop so access can be restricted during school hours.

Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

Pedestrian access to the Narragansett School is through off-site sidewalks located on both Chick Drive and Main Street. On-site sidewalks include a sidewalk along the bus loop drive, as well as a sidewalk located along the passenger vehicle access driveway located off Chick Drive.

Under the August 5, 2019 approval, the applicant added a crosswalk for the emergency vehicle access driveway off the bus loop and also is to separate the eastern emergency access walkway from the new emergency vehicle access with loam and seed.

Finding: The development plan will provide for a system of pedestrian circulation within and to the development.

F. Stormwater Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

The applicant is proposing underdrain improvements and grassed ditches which will connect into a new proposed closed drainage system and flow into the site's existing closed drainage system. The stormwater will then be directed into the stormwater wet pond located to the front of the Narragansett School. The stormwater treatment will meet Maine DEP 500 requirements.

Finding: The site has adequate provisions for the disposal of all storm water collected on parking areas or other impervious surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The applicant will comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices. The

location of the erosion control devices are shown on the Grading and Utility Plan: Sheet 3, with details shown on Erosion Control Notes Plan: Sheet 4, and Details Plan: Sheet 5.

Finding: *The project, building, and site designs will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The kitchen addition will be served by public water through the previously approved extension from the existing Narragansett School building.

The Narragansett School is served by public water from the Portland Water District. No change to the existing school's water service is proposed.

Finding: *The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The new kitchen addition will be served with public sewer. The August 5, 2019 approval allowed sewer service to serve the modular units through an extension of a 6" gravity sewer from an existing sewer manhole located to the rear of the school.

The Narragansett School is served by public sewer from the Portland Water District.

Finding: *The development will be provided with adequate sewage disposal for the use of the site.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lot is served by underground electrical power, cable and phone from Main Street. The new kitchen addition will be served with underground utilities through an extension from the electrical transformer located in the rear of the existing Narragansett School. Natural gas and data service is proposed to serve the kitchen addition through an extension from the existing Narragansett School.

Finding: *The development will have electrical and telephone service adequate to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposed construction will only disturb lawn area, old septic system, and paved parking area previously disturbed by past construction activity. No new natural features will be disturbed by the construction activity.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The proposed kitchen addition will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater according to the Maine DEP Chapter 500 standards with discharge into the existing Chick property stormwater infrastructure.

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The applicant is proposing to illuminate the entrances/exits with LED lighting above the doors. No other lighting improvements are proposed. All fixtures are required to be full cut-off style lighting.

Finding: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

The applicant will dispose of all waste at a licensed waste disposal facility as part of the current operations. No changes to the existing waste disposal are proposed with this amendment.

Finding: *The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The property is surrounded by areas of lawn. The front of the site has multiple stands of trees. The property to the side and front of the school has multiple trees and shrubs to break up the appearance of the school. A buffer of trees is located along the eastern property boundary to break up the appearance of the development.

Finding: *The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The Town of Gorham has had many experiences with the construction, operation, and maintenance of similar projects throughout the Town. Sebago Technics is providing technical assistance on the project. The School Department received approval by the voters in June 2019 for the expenditure for the additions.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The August 5, 2019 approval allowed the applicant to utilize existing vegetation along the eastern property boundary and along the front of the site to buffer the proposed development in this same location from residential uses and Main Street.

Finding: *The development provides buffering to screen service and storage areas.*

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That a complete set of building construction plans shall be provided to the Gorham Fire Department for review and State permitting;
5. That a set of plans shall be provided to the State Fire Marshal's Office for an ADA permit;
6. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and NFPA Fire Prevention Code 1 2019 edition;
7. That the building shall be sprinkled meeting the requirements of the Town of Gorham's Fire Suppression Ordinance. The sprinkler plans shall be sent to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting. The sprinkler plans shall be submitted to the Gorham Fire Department at least two weeks prior to the start of the installation of the system;
8. That portable Extinguishers shall be placed throughout the building as required by NFPA 101 Life Safety Code;
9. That any natural gas meters or propane meters shall be protected by bollards;
10. Is the emergency access road now going to be used by delivery trucks? As passed in the original plans for the portable, this road was for emergency vehicles only.
11. That plans for the kitchen hood system shall be submitted to the Fire Department for review;
12. That the hood system shall be wired into the Fire Alarm system and shall be equipped with an automatic gas shut off when the hood system is activated;
13. That emergency access road to be maintained throughout the year;
14. There appears to be a roll up door between the kitchen and cafeteria, if so it shall be equipped with a fusible link.
15. That the Emergency Fire Exit from the cafeteria and kitchen shall be kept completely clear at all times. Supplies and other items coming through this exit/delivery door shall not be left in the hallway/exit;
16. That these conditions of approval must be added to the site plan;

17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 18. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan shall be returned to the Town Planner.
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**ITEM 5 INNOVATIVE CAMPUS AT RACEWAY DRIVE – MOODY’S
CO-WORKERS OWNED, INC.**

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

Because this is an amendment, some of the Subdivision and Site Plan Review standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
 - a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The Innovative Campus at Raceway Drive subdivision will meet the requirements of the Narragansett Mixed-Use District. The applicant is required to get all required local, state, and federal permits required for the proposed development.

The Comprehensive Plan identifies this area as Narragansett Mixed-Use District. The plans meet the lot size criteria requirements of the Narragansett Mixed-Use zoning district.

Finding: *The subdivision approval for Innovative Campus at Raceway Drive subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Access to Innovative Campus at Raceway Drive Subdivision is via Raceway Drive, which has been designed under the Town’s Industrial/ Commercial road standard. Lot access for

the Innovative Campus at Raceway Drive Subdivision is limited to Raceway Drive and any future internal roads, private ways, and driveways located off Raceway Drive.

No new trips are proposed with the subdivision of the lots.

The subdivision development is accessed from Narragansett Street, State Route 202, and is designated as another principal arterial road by the Maine Department of Transportation.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The subdivision lots will be served by public water, public sewer, underground power, telephone, and cable lines from either the Raceway Drive right-of-way or Narragansett Street right-of-way. No changes are proposed to the utilities serving the sight.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will continue to be served by public water from the Portland Water District. The 8" water mains located in Raceway Drive right-of-way will serve the subdivision. The water main design and installation are required to meet the requirements of the Portland Water District.

No changes are proposed for water service serving the lots.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The subdivision lots will continue to be served by public sewer from the Portland Water District. Lots 1 and 3 will be served by the 8" gravity sewer main in Raceway Drive to station number 2+28, then to 3" private force mains located outside each side of the road in a utility easement.

Lot 2 will be served by the 10" gravity sewer main located in the Narragansett Street right-of-way.

No changes are proposed for water service serving the lots.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's stormwater requirements. The dwellings units' sewage disposal will be via the public sewer maintained and treated by the Portland Water District.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Lot 1 has an approved site plan meeting the requirements of Chapters 2 and 4 of the Land Use and Development Code. No improvements are proposed for lots 2 and 3.

Each lot shall be responsible for maintenance of the stormwater infrastructure on its lot as well as the appropriate shared stormwater pond(s).

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

No new improvements are proposed with the subdivision plan. No wetlands, vernal pools, or other natural resources are proposed to be impacted on lots 2 and 3. Lot 1 has an approved site plan which limits the amount of impacts that are allowed on the site.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No new improvements are proposed with the subdivision plan. No wetlands, vernal pools, or other natural resources are proposed to be impacted on lots 2 and 3. Lot 1 has an approved site plan which limits the amount of impacts that are allowed on the site.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

No new improvements are proposed as part of the subdivision on the parcel other than the creation of an additional lot. The applicant has paid all required fees required as part of the subdivision review process.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The subdivision and development of any mixed-use lots will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for the residential units proposed on a lot.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is required to form condominium associations for the subdivision for maintenance of any infrastructure located outside of the right-of-way and also to maintain the road should the Town not accept the road.

Finding: *Innovative Campus at Raceway Drive Subdivision shall be required to maintain the stormwater ponds as well as any infrastructure located outside of the road right-of-way as well as the road should the Town not accept it as a Town way.*

CHAPTER 3 - SUBDIVISION, SECTION 3-4C– FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant has submitted all information required of preliminary plan. The plan shows all existing and proposed monuments and pins. The plan shows sufficient information to locate streets, easements, and property lines.

Finding: *The applicant has met the standards of this section for final plan approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant is requesting a waiver from the Planning Board's requirement to grant preliminary and final subdivision approval at separate meeting.

Finding: *The applicant has met the standards of this section for final plan approval.*

CHAPTER 7 SECTION 7-2 MIDDLE SCHOOL IMPACT FEE #1

Any residential development activity anywhere in Gorham that may potentially have school aged children living in the units will be subject to the impact fee.

The applicant will be required to pay the Middle School Impact Fee #1 prior to the issuance of any residential building permits for any mixed-use lots within the subdivision.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;

3. That the developer for each lot 2 and 3 shall be required to provide 250' of off-site sidewalk extension meeting the requirement of the Land Use Code as part of each lots' development in addition to off-site sideway extensions required as part of the lots site plan review requirements;
 4. That the applicant shall make the required changes to the plan and provide the additional legal documents and create a Raceway Innovation Campus lot owners' association documents prior to the Planning Board's signature of the final plan meeting Town Staff and Town Attorney's approvals;
 5. That the applicant is responsible for recording the approved Raceway Innovation Campus lot owners' association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Raceway Innovation Campus lot owners' association documents shall be returned to the Planning Department prior to the applicant applying for Raceway Drive's street acceptance;
 6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 7. That the subdivision plan are required to be recorded within one year of original approval or the approval becomes null and void;
 8. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to the applicant applying for Raceway Drive's street acceptance.
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ITEM 6

DORE DRIVE

CHAPTER 2, SECTION 2-5, H. Standards for Private Ways

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Rural zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is up to 6 lots or dwelling units.

The proposed name of the private way is "Dore Drive." The proposed name meets the required E911 standards.

Finding: *The private way is designed to the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.*

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The private way plan was designed by W. Pelkey, checked by A. Morrell P.E. #13285 and sealed by Robert Libby, PLS #2190.

The Plan title block reads "Plan of a Private Way."

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: *The Plan of Private Way has been sealed by a registered land surveyor and by a registered professional engineer meeting the requirement for private ways.*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The private way maintenance agreement has been submitted and meets the requirements of this section.

Finding: *The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The proposed private way will be built to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;

- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

Finding: *The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.*

5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 2 – 6 lot private way to meet the private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section.

Finding: *The private way meets all the criteria and design requirements presented in Table 1 and 2 and the typical cross sections depicted in Figures 9 of the Gorham Land Use and Development Code.*

8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The proposed private way may serve up to six (6) lots. The applicant proposes to potentially serve four (4) residential dwelling units.

Finding: *The private way will potentially serve four (4) residential dwelling units.*

9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The lots will need to retain enough area to meet the lot sizes in the Rural Zoning District.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

The proposed private way will be off Longfellow Road which is suitable to serve the proposed private way.

Finding: *The proposed private way will be off of Longfellow Road which is suitable to serve the proposed private way.*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code;
6. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;
7. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
8. That the approved amended private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds prior to a certificate of occupancy being given to any proposed new lot with a recorded copy of the private way maintenance agreement to be returned to the Planning Office;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded copy of the private way plan shall be returned to the Town Planner prior to the pre-construction Meeting.